



TESTIMONY
of the
CONNECTICUT CONFERENCE OF MUNICIPALITIES
to the
PLANNING AND DEVELOPMENT COMMITTEE

February 14, 2011

CCM is Connecticut's statewide association of towns and cities and the voice of local government - your partners in governing Connecticut. Our members represent over 93% of Connecticut's population. We appreciate this opportunity to provide testimony to you on issues of concern to towns and cities:

S.B. 43, "An Act Expanding the Recreational Land Use Act"
S.B. 90, "An Act Concerning the Recreational Land Use"
H.B. 5254, "An Act Expanding the Recreational Land Use Act"

CCM supports these bills.

S.B. 43, S.B. 90 and H.B. 5254 would provide the same protection from liability to municipalities that is currently enjoyed by the state and private landowners for certain cases involving injuries as a result of recreational activities on certain lands made available as open space.

This would codify municipalities under the protections of the Recreational Land Use Act (CGS 52-557f et. seq.), which provides partial immunity to owners of recreational land made available to the public without charge. That is, they are liable only for injuries occurring on such land when there is a "willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity."

Such protections should be provided to municipalities for the following reasons:

- As a result of *Conway v. Wilton*, some municipalities have closed, stopped construction on, halted acquisition of, or restricted the use of recreational facilities;

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- Even with the partial immunity offered by the Recreational Land use Act, municipalities have spent significant dollars and made significant efforts to make recreational areas safe for their citizens;
- Many other states provide some form of immunity from liability to municipal and other public landowners when they make their land available without charge for recreational use;
- Some recreational activities are inherently risky. Municipalities and other public agencies cannot prevent injuries to people who undertake them, and municipalities should not be held responsible for those injuries; and
- Failure to add legal protections to municipalities costs hard-pressed property taxpayers money and services.
- The recent outcome off a recreational land use lawsuit against the Metropolitan District Commission has increased the fears of local officials that litigious individuals will take advantage of “perceived” deep-pockets and exploit their voluntary use of public open space lands.

CCM urges the committee to support these bills and favorably report them.

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If you have any questions, please contact Ron Thomas at rthomas@ccm-ct.org or (203) 498-3000.